

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

THOMAS HALE, and JUSTIN WALLS,)
for themselves and on behalf of themselves)
and other similarly situated persons,)

Plaintiffs,)

v.)

CAUSE NO.: 1:17-CV-108-TLS

TERRY STOFFEL,)
in his official capacity,)

Defendant.)

OPINION AND ORDER

Justin Walls was a prisoner when he filed this case and was granted leave to proceed in forma pauperis. (*See* ECF Nos. 1, 3, 5.) He has since been released. (*See* ECF No. 42.) Pursuant to 28 U.S.C. § 1915(b), a prisoner who files a civil lawsuit must pay the full amount of the filing fee, either in advance or over time, even after he is released. *Robbins v. Switzer*, 104 F.3d 895, 897 (7th Cir. 1997). Walls currently has an outstanding balance of \$350.00. Thus, he may proceed only if he pays that amount.

Alternatively, 28 U.S.C. § 1915(b)(4) permits a former prisoner, who has paid the initial partial filing fee assessed under § 1915(b)(1) and any installment payments due under § 1915(b)(2), to be excused from further payments on the filing fee if he is indigent. *Id.* at 898. In this case, the initial partial filing fee was waived, but it does not appear that any of the required installment payments were remitted as ordered. If he is unable to pay the remaining balance, the Plaintiff may submit a Motion to Proceed In Forma Pauperis—AO-239 (Rev. 1/15) (INND Rev. 8/16)—with a copy of his inmate trust account ledger¹ from March 22, 2017, to November 28, 2017. He must also pay any unpaid installment payments.

¹ Counsel for Walls states he and his client had difficulty obtaining an inmate trust fund ledger as required by 28 U.S.C. § 1915(a)(2). (*See* ECF No. 1 at 28; ECF No. 3 at 1; ECF No. 42 at 1.) It is unclear whether previous requests were made using the Court's approved form—AO-240 (Rev. 7/10) (INND Rev. 8/16)—which is available at online at <http://www.innd.uscourts.gov/sites/innd/files/AO240.pdf> as well as from most prison and jail law libraries in the Northern District of Indiana. However, now that Walls has been

For these reasons, Justin Walls is GRANTED until **July 10, 2018**, to either pay the \$350.00 filing fee OR seek leave to proceed in forma pauperis in accordance with this Order.

SO ORDERED on June 11, 2018.

s/ Theresa L. Springmann
CHIEF JUDGE THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT

released, that form is no longer applicable because he is not a prisoner. Instead, a copy of this Order can be sent to both the Huntington County Jail and Defense Counsel with a request for the ledger.